

6. Soil and debris contaminated with wastes that had treatment standards set in the Third Third rule based on incineration, mercury retorting, or vitrification. See Appendix A; (expires - 05/08/92). [40 CFR 268.35(e)]
 Yes ☐ No ☒ List _____
7. The following nonwastewaters - F039, K031, K084, K101, K102, K106, P010, P011, P012, P036, P038, P065, P087, P092, U136, U151. (expires -05/08/92). [40 CFR 268.35(c)]
 Yes ☐ No ☒ List _____
8. The following wastes identified as hazardous based on a characteristic alone: D004 (nonwastewaters), D008 (lead materials stored before secondary smelting), D009 (nonwastewaters) (expires - 05/08/92). [40 CFR 268.35(c)]
 Yes ☐ No ☒ List _____
9. Inorganic solid debris as defined in 40 CFR 268.2(g)*; includes chromium refractory bricks carrying EPA Hazardous Waste Nos. K048-K052 (expires - 05/08/92). [40 CFR 268.35(c)]
 Yes ☐ No ☒ List _____
10. RCRA hazardous wastes that contain naturally occurring radioactive materials (expires - 05/08/92). [40 CFR 268.35(c)]
 Yes ☐ No ☒ List _____
11. Wastes listed in 40 CFR 268.10, 268.11, and 268.12 that are mixed radioactive/hazardous wastes (expires - 05/08/92)*. [40 CFR 268.35(d)]
 Yes ☐ No ☒ List _____

*Note: Incorrect reference [40 CFR 268.2(a)(7)] in Third Third rule:

*Note: 40 CFR 268.10 and 268.11 wastes incorrectly omitted from this variance in the Third Third rule.

Gromnicki 3-24-92

131
RECEIVED
MAR 24 1992

TSD - RCRA INSPECTION REPORT

OFFICE OF RCRA
WASTE MANAGEMENT DIVISION
EPA REGION V

EPA ID # IND 046 107 157 NAME Blue Lake Landfill

MAILING ADDRESS: _____

LOCATION ADDRESS: 3023 West Morris Str

Indpls IN 46241

CONTACT: Shirley Trexell PHONE: 317 241 2647

OWNERSHIP: Tack Hart COUNTY: Marion

STATUS CODE: 6 1=Active 3=Dead Mail 4=PCB handler
6=non-handler 2=Obsolete ID # 9=Superfund site
5=Out of business

ACTIVITY: (This should reflect the actual functioning of the facility)

LQG _____ SQG _____ CEG _____ TRANSPORTER _____ TSD ☒ UI _____

TRANSPORTERS: Air _____ Rail _____ Hwy _____ Water _____ Other _____

HAZARDOUS WASTE FUEL : Gen mktg burner _____ other mktr _____ burner _____
OFF SPEC USED OIL FUEL : Gen mktg burner _____ other mktr _____ burner _____
SPEC USED OIL FUEL MKTR : _____
BURNING DEVISE : Util boiler _____ Indus boiler _____ Indus furn _____

Person(s) interviewed: _____ Title: _____ Telephone: _____

No Representative Present _____

Inspector(s): _____ Agency: _____ Telephone: _____

Christina Halloran IDEM (317) 232-8552

Date of inspection: 12/2/91 Time of inspection: 8:30 AM

12stallation Processes by Process Code (EPA Form 3510-3)

S01	Container storage	T03	Incinerator treatment
S02	Tank storage	T04	Other treatment
S03	Waste pile storage	D79	Injection well disposal
S04	Surface impoundment storage	D80	<input checked="" type="checkbox"/> Landfill disposal
T01	Tank treatment	D81	Land application disposal
T02	Surface impoundment treatment	D83	Surface impoundment disposal

If Part A process codes are listed above as T04 please describe the process involved below:

- 1) Indicate any hazardous waste processes, by process code, which have been omitted from Part A of the facility's permit application. (HWIMS 610)
- 2) Indicate any hazardous waste processes (by process code and line number on EPA Form 3510-3 page 1 of 5) which appear to be eligible for exclusion per 40 CFR 265.1(c). Provide a brief rationale for the possible exclusion.
- 3) Type of Operation, Products Manufactured, Processes Utilized, Size of Operation, Concentrate on processes that produce waste (hazardous or non-hazardous)!

Landfill site currently receives occasional loads of demolition debris
Prior to 1984 the landfill accepted wastewater treatment sludge (D006/000)
from ~~the~~ the Chrysler Foundry

- 4) If any of the wastes are managed in the manners listed below, please check those areas and utilize the provided appendices.

	<u>YES</u>	<u>NO</u>
A) Waste Oil Fuel - Appendix A	<u> </u>	<u> <input checked="" type="checkbox"/> </u>
B) Lead Acid Batteries - Appendix B	<u> </u>	<u> <input checked="" type="checkbox"/> </u>
C) Hazardous Waste Fuel - Appendix C	<u> </u>	<u> <input checked="" type="checkbox"/> </u>
D) Precious Metals - Appendix D	<u> </u>	<u> <input checked="" type="checkbox"/> </u>
E) Use Constituting Disposal - Appendix E	<u> </u>	<u> <input checked="" type="checkbox"/> </u>
F) Tanks	<u> </u>	<u> <input checked="" type="checkbox"/> </u>
G) Use and Management of Containers	<u> </u>	<u> <input checked="" type="checkbox"/> </u>

	<u>YES</u>	<u>NO</u>
H) Generator Accumulation Appendix	—	✓
I) Waste Pile	—	✓
J) Surface Impoundment	—	✓
K) Landfill	✓	—

5) Hazardous Waste Streams/EPA # Source Rate Disposition

BOC/BOCS WWT Sludge	Chrysler Foundry	none	

6) List all wastes not listed above.

Waste	Process Generating Waste	Rate	Disposition
Demolition debris	construction	minimal	

- 7) If the company claims a reuse or reclaim exemption please include the following information: N/A

	<u>Waste Type</u>	<u>Generation Rate</u>	<u>How reclaimed & by Who</u>	<u>Quantity stored on Site</u>
A.	_____	_____	_____	_____
B.	_____	_____	_____	_____

8) Hazardous Waste On-Site	<u>Amount</u>	<u>How Stored</u>	<u>Comments</u>
<u>9000 / 10000</u>	<u>undetermined</u>	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

- 9) Has the capacity of the storage areas listed on the Part A exceeded that allowed? List the type and amount of actual storage capacity overages.
329 IAC 3-38-2 (HWIMS 610)

no part A submitted

- 10) Indicate any TSD activities which have been omitted from or are not clear on the facility map (for the purpose of determining if expansion has occurred)
 (40 CFR 270.13 and 329 IAC 3-34-4) (HWIMS 610)

- 11) Is the Biennial Report Accurate? none

- 12) Note any non-RCRA Violations (Open Dumping, Dumping in City Sewer Without Pretreatment Program, OSHA, etc.)

none observed

13) Additional Comments:

No hazardous waste is being disposed at this site. The site is currently being evaluated by our Site Investigation staff and U.S. EPA. Samples have been taken to determine the amount of contamination. These are being evaluated.

LANDFILLS
40 CFR 265 Subpart N, 329 IAC 3-28
(HWIMS 460)

General Operating Requirements

- | | <u>OK</u> | <u>DF</u> | <u>NI</u> | <u>NA</u> |
|---|-----------|-----------|-----------|-----------|
| 1) Does the facility maintain a proper run-on control system?
<u>40 CFR 265.302 (a) (329 IAC 3-28-3 (a))</u> | — | — | — | ✓ |
| 2) Does the facility maintain a proper run-off system?
<u>40 CFR 265.3022 (b) (329 IAC 3-28-3 (b))</u> | — | — | — | |
| 3) Are run-off and run-on collection and holding facilities
managed or emptied expeditiously after storms?
<u>40 CFR 265.302 (c) (329 IAC 3-28-3 (c))</u> | — | — | — | |
| 4) Is wind dispersal of hazardous waste managed?
<u>40 CFR 265.302 (d) (329 IAC 3-28-3 (d))</u> | — | — | — | |

Please describe run-on and run-off control activities or any problems noted.

Not an active site

Surveying and Recordkeeping

- | | |
|---|--------------------------|
| 1. Does the operating record include: | |
| a. a map, showing the exact dimensions including
depth, of each cell with respect to permanent
surveyed benchmarks.
<u>40 CFR 265.309 (329 IAC 3-28-4)</u> | not available
— ✓ — — |
| b. the contents of each cell and approximate
location of each hazardous waste type within
each cell.
<u>40 CFR 265.309 (329 IAC 3-28-4)</u> | — ✓ — — |

Special Requirements - Ignitable and Reactive Waste - Landfills

- | | |
|--|---------|
| 1. Is all ignitable or reactive waste treated, or otherwise
rendered non-ignitable or non-reactive before or
immediately after placement in the landfill.
<u>40 CFR 265.312 (329 IAC 3-28-6)</u> | — — — ✓ |
| 2. Are the general requirements for treatment of ignitable
waste at 329 IAC 3-16-8 complied with. (E.g. Prevention of
fires, explosions, toxic fumes, integrity of treatment
devices, or threats to human, health, and environment, etc.)
<u>40 CFR 265.312 (320 IAC 3-28-6)</u> | — — — ✓ |

3. If ignitable or reactive waste is not rendered non-ignitable or non-reactive is the waste containerized and managed in a manner which prevents ignition of the waste.
40 CFR 265.312 (329 IAC 3-28-6) _____ ✓

Special Requirements for Incompatible Waste - Landfills

1. Does the operators place incompatible waste in separate cells. (See 329 IAC 3-32-5 for examples)
40 CFR 265.313 (329 IAC 3-28-7) _____ ✓

2. If incompatible waste is placed in the same cell is the general requirements at 329 IAC 3-16-8 complied with.
40 CFR 265.313 (329 IAC 3-28-7) _____ ✓

Special Requirements for Bulk and Containerized Liquids - Landfills

1. Has the facility complied with the prohibition against placement of bulk or noncontainerized liquid hazardous waste or hazardous waste containing free liquids in the landfill. 40 CFR 265.314 (329 IAC 3-28-8a) Hazardous waste sludge DODG/DODG from Chrysler has been deposited here _____ ✓
2. Has the facility placed any non hazardous liquids in the landfill without permission of the commissioner. 40 CFR 265.314 (329 IAC 3-28-8e) since the construction of their WWT plant in 1967 this disposal continued until at least 1984 ① _____ ✓
3. Has the facility complied with the requirements for containers holding free liquids:
a. All free liquids have been removed, or
b. has been mixed with absorbant or solidified, or
c. only containers designed to hold free liquids for use other than storage have been accepted (e.g. batteries, capacitors, lab packs) _____ ✓
4. Does the facility use the "Paint Filter Liquids Test" to check for the presence of free liquids according to the procedures specified in their waste analysis plan. 40 CFR 265.314 and 265.13 (b)(6) (329 IAC 3-28-8), (329 IAC 3-16-4 (b)(6)) _____ ✓

Special Requirements for Containers - Landfills

1. With the exception of very small containers such as ampules are all containers at least 90% full when placed in the landfill 40 CFR 265.315 (329 IAC 3-28-9(i)) _____ ✓ ②
2. If not 90% full are the containers crushed, shredded, or similarly reduced in volume before burial in the landfill. 40 CFR 265.315 (329 IAC 3-28-9(2)) _____ ✓

On February 15, 1985 a inspection was conducted which indicated that locating the WWT sludge would be difficult because the consistency of the waste had been too liquid to allow it to be disposed of in one area so it had been mixed in with other waste that could soak up the liquid. (See Feb 27, 1985 memo in 281 file)
On July 30, 1987 a complaint investigation was conducted regarding dumping of drums on this site. the investigation revealed that drums appeared to be dumped here.

OK DF NI NA

- _____

(329 IAC 3-16-5)

①

- ✓ (2)

- 2 Marion County Health Department ordered (3) signs stating
"Danger Area may be Contaminated"
- 1 access on foot

40 CFR 265.31 (320 IAC 4.1-17-2) No

- 3) If required, does the facility have the following equipment:

OK DF NI NA

(HWIMS 340)

- a. Internal communications or alarm systems?
40 CFR 265.32(a) & 40 CFR 265.34(a) (329 IAC 3-17-3 & 5) — — — /
- b. Telephone or 2-way radios at the scene of operations?
40 CFR 265.32(b) & 40 CFR 265.34(b) (329 IAC 3-17-3 & 5) — — — /
- c. Portable fire extinguishers, fire control, spill control equipment and decontamination equipment?
Are water hoses, foam equipment, automatic sprinklers or water spray equipment available? (Please specify)
40 CFR 265.32(c) (329 IAC 3-17-3(c)) — — — /

- 4) Whenever waste is being handled do all personnel have immediate access to an alarm or communication device (thru another employee if always available)?
40 CFR 265.34(a) (329 IAC 3-17-5) (HWIMS 340) — — — /

- 5) Testing and Maintenance of Emergency Equipment: (HWIMS 340)

- a. Has the owner or operator established testing and maintenance procedures for emergency equipment?
40 CFR 265.33 (329 IAC 3-17-4) — — — /
- b. Is emergency equipment maintained in operable condition?
40 CFR 265.33 (329 IAC 3-17-4) — — — /

- 6) Does the owner or operator maintain adequate aisle space for the movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment? (This applies to access for this equipment to reach hazardous waste management areas)
40 CFR 265.35 (329 IAC 3-17-6) (HWIMS 340) — — — /

Not an active site

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TSD RCRA Inspection Report

EPA Identification Number: I N D 0 4 6 1 0 7 1 5 7

Installation Name: Blue Lake, Inc.

Location Address: 3023 W. Morris St

City: Indianapolis ZIP

Date of Inspection: 1/14/88 Time of Inspection 1:30 PM

Person(s) interviewed *	Title	Telephone

Inspector(s)	Agency	Telephone
<u>Jeff Blankenbeger</u>	<u>OSHW/IDEM</u>	<u>317/232-4536</u>
<u>Doug Bantz</u>	<u></u>	<u></u>

* Please identify correspondence contact

Installation Processes by Process Code (EPA Form 3510-3)

S01 <input type="checkbox"/> Container storage	S02 <input type="checkbox"/> Tank storage
S03 <input type="checkbox"/> Waste Pile storage	S04 <input type="checkbox"/> Surface impoundment storage
D79 <input type="checkbox"/> Injection well disposal	D80 <input checked="" type="checkbox"/> Landfill disposal
D81 <input type="checkbox"/> Land Application disposal	D83 <input type="checkbox"/> Surface Impoundment disposal
T01 <input type="checkbox"/> Tank Treatment	T02 <input type="checkbox"/> Surface Impoundment treatment
T03 <input type="checkbox"/> Incinerator treatment	T04 <input type="checkbox"/> Other

If Part A process codes are listed above as T04 please describe the process involved below.

Other activities

Generator
Appendix GN

Transporter
Appendix TR

1. Indicate any hazardous waste processes, by process code, which have been omitted from Part A of the facility's permit application.
2. Indicate any hazardous waste processes (by process code and line number on EPA Form 3510-3 page 1 of 5) which appear to be eligible for exclusion per 40 CFR 265.1(c). Provide a brief rationale for the possible exclusion.

13. Additional Comments

Blue Lake, Inc. is a "clean" fill site which disposed of hazardous waste (WWT Sludge) from Chrysler Foundry Indpls prior to early 1984. The facility continues to dispose of nonhazardous foundry waste from Chrysler. A formal enforcement action against Blue Lake, Inc., and several other parties is pending. The status of the site has not changed since the initial inspection.

6/28/87

VIA CERTIFIED MAIL

STATE OF INDIANA)
COUNTY OF MARION) SS:

BEFORE THE INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

RECEIVED

JUL 6 1987
EPA REGION V
WASTE MANAGEMENT DIVISION
Hazardous Waste Enforcement Branch

IN THE MATTER OF THE
COMMISSIONER, INDIANA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT,

Complainant,

v.

CAUSE NO. N-238

BLUE LAKE, INC.
CHRYSLER CORPORATION,
INDIANAPOLIS FOUNDRY
KENNETH SMOCK ASSOCIATES, INC.
JACK D. AND BEVERLY HURT
THOMAS M. FANSLER, JR.

Respondents.

NOTICE OF VIOLATION, AMENDED COMPLAINT AND ORDER

TO: Mr. J. D. Hurt, President
and Resident Agent
Blue Lake, Inc.
3023 West Morris Street
Indianapolis, IN 46241

C. T. Corporation,
Resident Agent
Chrysler Corporation
One North Capitol Avenue
Indianapolis, IN 46204

Mr. Thomas M. Fansler, Jr.
President and Resident Agent
Kenneth Smock Associates, Inc.
2910 West Minnesota
Indianapolis, IN 46241

Jack D. Hurt
c/o Blue Lake, Inc.
3023 West Morris Street
Indianapolis, IN 46241

Mr. H. K. Sperlich, President
Chrysler Corporation
12000 Chrysler Drive
Highland Park, MI 48203

Beverly Hurt
c/o Blue Lake, Inc.
3023 West Morris Street
Indianapolis, IN 46241

Thomas M. Fansler
c/o Kenneth Smock
Associates, Inc.
2910 West Minnesota
Indianapolis, IN 46241

This is a Notice of Violation, Amended Complaint and Order under IC 13-7-11 of the Indiana Environmental Management Act and IC 4-22-1, the Indiana Administrative Adjudication Act. The Complainant is the Commissioner of the Indiana Department of

Environmental Management ("Department"). The Respondents are Blue Lake, Inc., Kenneth Smock Associates, Inc., and Chrysler Corporation, all companies authorized to do business in Indiana, which operate places of business at Indianapolis, Indiana, Thomas M. Fansler, Jr., and Jack and Beverly Hurt. Chrysler's EPA identification number is IND 087032611. The balance of the Respondents do not possess EPA identification numbers.

On August 7, 1985, Ralph C. Pickard, Technical Secretary of the Environmental Management Board of the State of Indiana issued a Complaint, Notice of Hearing and Proposed Final Order in this cause.

On April 1, 1986, the powers and duties relative to issuance of Complaints and initiating enforcement actions for violations of the Environmental Management Act (IC 13-7 et seq.) and the rules duly promulgated thereunder were transferred to the Commissioner of the Indiana Department of Environmental Management by P.L. 143, Acts of 1985, P.L. 112, Acts of 1986 and P.L. 118, Acts of 1986. Those powers and duties were further amended in P.L. 160, Acts of 1987.

Pursuant to IC 13-7-11 and based on an investigation of Chrysler Corporation, Indianapolis Foundry, conducted on February 12, 1985, and Blue Lake site conducted on February 15, 1985, by the Office of Solid and Hazardous Waste Management (OSHWM) of the Department, it has been determined that the Respondents are and were in violation of the Indiana Hazardous Waste Management Program, IC 13-7 et seq., and 320 IAC 4.1 and 320 IAC 4.

This Notice of Violation, Complaint and Order is supplemental to and an amendment of the Complaint issued on August 7, 1985 cited above. A copy of said Complaint is attached hereto as Exhibit A and incorporated herein by reference for all purposes.

FINDINGS

This determination is based on the following Findings:

1. Respondents, Blue Lake, Inc., Jack and Beverly Hurt, and Thomas M. Fansler, Jr., own property upon which a solid fill site is and at all times material hereto was operated. The solid fill site is commonly referred to as Blue Lake. Said property is more specifically identified by Exhibit B attached hereto and incorporated herein by reference for all purposes.
2. Based on an investigation of Chrysler Corporation, Indianapolis Foundry on February 12, 1985, and of Blue Lake on February 15, 1985, it has been determined that hazardous waste (D006 and D008 wastewater treatment sludge) from Chrysler Corporation was being deposited prior to February 20, 1984, at Blue Lake.

3. Pursuant to IC 13-7-4-1-1 [formerly IC 13-7-4-1(a)], no person shall "discharge, emit, cause, allow, or threaten to discharge, emit, cause, or allow any contaminant or waste, including any noxious odor, either alone or in combination with contaminants from other sources, into the environment or into any publicly owned treatment works in any form which causes or would cause pollution which violates or would violate rules, standards, or discharge or emission requirements adopted by the appropriate board pursuant to this article".

Based on information gathered by the OSHWM (formerly the Division of Land Pollution Control of the Indiana State Board of Health), Respondents have discharged, emitted, caused, allowed, or threatened to discharge, emit, cause, or allow hazardous waste (D006 characteristic leachable cadmium and D008 characteristic leachable lead) from Chrysler Corporation, Indianapolis Foundry, to be deposited and disposed of at the site commonly known as Blue Lake, which causes or would cause pollution in violation of 320 IAC 4 and 320 IAC 4.1.

4. Pursuant to IC 13-7-4-8 and IC 13-7-4-9 [formerly IC 13-7-4-1(h)(1)], and 320 IAC 4.1-14-1 [formerly 320 IAC 4-8-1(b) and 320 IAC 4-9-1(a)], no person shall commence construction and/or operation of a hazardous waste treatment, storage, or disposal facility without first having filed for and received a construction permit prior to construction and an operating permit prior to the operation of a hazardous waste treatment, storage, or disposal facility.

Based on information gathered by the OSHWM, Respondents Blue Lake, Inc., Jack D. and Beverly Hurt and Thomas M. Fansler, Jr., have caused or allowed the construction and operation of a hazardous disposal facility by causing or allowing the disposal of hazardous waste (D006 and D008 sludge) on their property, without first obtaining a hazardous waste construction and operating permit.

5. Pursuant to 320 IAC 4.1-15 through 32 [formerly 320 IAC 4-6 (40 CFR 265)], the owner or operator of a hazardous waste facility shall comply with all applicable standards for hazardous waste treatment, storage, or disposal facilities respectively.

Based on information gathered by the OSHWM, the owners or operators have not complied with the appropriate standards for hazardous waste treatment, storage, or disposal facilities at the Blue Lake facility.

6. Pursuant to 320 IAC 4 (40 CFR 262.12(c)), a generator must not offer hazardous waste to transporters or to treatment, storage, or disposal facilities that have not received an EPA identification number.

Based on information gathered by the OSHWM, Chrysler Corporation, Indianapolis Foundry, is a generator of hazardous waste and offered, for transportation, their hazardous waste (D006 and D008) wastewater treatment sludge to Kenneth Smock Associates, Inc., that had not received an EPA identification number for the transportation of hazardous waste. Chrysler Corporation, Indianapolis Foundry, also offered their hazardous waste for disposal to the Blue Lake site that had not received an EPA identification number for the disposal of hazardous waste.

7. Pursuant to IC 13-7-4-1(k) and 320 IAC 4-5 (40 CFR 263.20), no person shall accept, cause, or allow the transportation of a hazardous waste without a manifest whenever a manifest is required by law.

Based on information gathered by the OSHWM, Kenneth Smock Associates, Inc., caused and allowed the transportation of hazardous waste without manifests, by transporting hazardous waste (D006 and D008) from Chrysler Corporation, Indianapolis Foundry, to an unpermitted site, Blue Lake, without hazardous waste manifests.

8. Pursuant to IC 13-7-4-1(k) and 320 IAC 4-4 (40 CFR 262.20), no person shall accept, cause, or allow the transportation of a hazardous waste without a manifest whenever a manifest is required by law.

Based on information gathered by the OSHWM, Chrysler Corporation, Indianapolis Foundry, caused or allowed the transportation of hazardous waste from their facility, by Kenneth Smock Associates, Inc., to the Blue Lake site, without hazardous waste manifests.

9. Pursuant to 320 IAC 4-5 (40 CFR 263.11(a)), a transporter must not transport hazardous wastes without having received an EPA identification number from the Administrator.

Based on information gathered by OSHWM, Kenneth Smock Associates, Inc., hauled hazardous waste (D006 and D008) wastewater treatment sludge from Chrysler Corporation, Indianapolis Foundry, to Blue Lake without an EPA identification number.

10. Since the Complaint in this cause was first filed on August 7, 1985, two of the Respondents originally named have been dismissed, a settlement conference held, discovery sought, depositions taken and a Motion to Dismiss filed by Respondent Chrysler; however, no agreed order has been entered.

ORDER

1. Respondents Blue Lake, Inc., Thomas M. Fansler, Jr., Jack D. Hurt and Beverly Hurt shall, within thirty (30) days of the effective date of this Order, submit a RCRA Part A application for the Blue Lake site to:

USEPA, Region V
RCRA Activities
P. O. Box 7861
Chicago, IL 60680

A copy of the RCRA Part A application shall be sent to:

Nancy A. Maloley
Technical Secretary
Indiana Solid Waste Management Board
105 South Meridian Street
Indianapolis, IN 46206-6015

The RCRA Part A application shall specify the disposal of D006 and D008 wastewater treatment plant sludge in a landfill (Blue Lake).

2. Respondents Blue Lake, Inc., Thomas M. Fansler, Jr., Jack D. Hurt and Beverly Hurt shall, within sixty (60) days of the effective date of this Order, submit a RCRA Part A application for the Blue Lake site to the Department for approval. The closure plan shall be in conformance with the requirements of 320 IAC 4.1-21-1 through 320 IAC 4.1-21-6 and 320 IAC 4.1-28-4 including appropriate timetables for the completion of all closure activities.

3. Respondents Blue Lake, Inc., Thomas M. Fansler, Jr., Jack D. Hurt and Beverly Hurt shall, within thirty (30) days of approval of this closure plan by the Department, implement the closure plan as approved.
4. Respondents Blue Lake, Inc., Thomas M. Fansler, Jr., Jack D. Hurt and Beverly Hurt shall, within sixty (60) days of the effective date of this Order, submit an approvable post-closure plan for the Blue Lake site to the Department for approval. The post-closure plan shall be in conformance with the requirements of 320 IAC 4.1-21-7 through 320 IAC 4.1-21-10 and 320 IAC 4.1-28-4.
5. Respondents Blue Lake, Inc., Thomas M. Fansler, Jr., Jack D. Hurt and Beverly Hurt shall, upon approval of the post-closure plan by the Department and upon completion and certification of the closure plan as approved, implement the post-closure plan.
6. Respondent Kenneth Smock Associates, Inc., shall immediately upon the effective date of this Order, cease hauling hazardous waste.
7. Respondent Chrysler Corporation, Indianapolis Foundry shall, immediately upon the effective date of this Order, manifest all shipments of hazardous waste off-site.
8. Respondent Chrysler Corporation, Indianapolis Foundry shall, immediately upon the effective date of this Order cease offering hazardous waste to transporters or to treatment, storage, or disposal facilities that have not received EPA identification numbers.
9. Within thirty (30) days of the effective date of this Order, Respondent Chrysler Corporation, Indianapolis Foundry shall submit to the Department a site assessment plan. The purpose shall be to conduct sampling and analysis in order to assess the degree and extent of contamination of the soil and any impact on the groundwater. This plan must:
 - a. Address the hazardous waste disposal area at the Blue Lake site;
 - b. Include a soil sampling grid that overlaps the area;
 - c. Specify the method of determining the number and location of samples to be taken within the grid to yield a representative assessment of the

contaminated area as outlined in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA Publication" SW-846;

- d. Include the method of sample collection, per SW-846;
 - e. State the maximum distance between each sample location;
 - f. State that soil samples will not be composited;
 - g. Clearly define all sampling and analytical protocol as defined in 320 IAC 4.1-6 (320 IAC 4.1-6-5, 4.1-6-6, and 4.1-6-7). A copy of the Guidelines for Sampling and Analysis Plans is attached hereto as Exhibit C;
 - h. Specify that chain-of-custody of the samples shall be maintained and Quality Assurance and Quality Control (QA/QC) procedures shall be followed;
 - i. Include a statement in the initial proposal that a contingent plan for sampling outside the grid area will be submitted in the event that sampling shows contamination to exist at the limit of the grid area;
 - j. Include time frames for implementation of the site assessment plan; and
 - k. Be approved by the Department prior to implementation of the plan.
10. Within ten (10) days of notice of approval of the site assessment plan by the Department, Respondent Chrysler Corporation, Indianapolis Foundry, shall implement the plan as approved and in accordance with the time frames contained therein.
11. Within thirty (30) days of completion of the analyses, Respondent Chrysler Corporation, Indianapolis Foundry shall submit a cleanup or remedial action plan to the Department based upon the results of the site assessment plan. The cleanup or remedial action plan must:
- a. Include the results of the analyses, chain-of-custody information, and the QA/QC records;

- b. Address all areas determined by the analyses to be contaminated;
 - c. Address the groundwater, if it is determined to be affected;
 - d. Include a soil sampling and analysis plan to be performed after the cleanup has been done which verifies that all contamination has been removed. (This will include all items listed in Order No. 9 above.)
 - e. Include a time frame for implementation of the cleanup plan.
12. Within ten (10) days of notice of approval by the Department, Respondent Chrysler Corporation, Indianapolis Foundry shall implement the cleanup plan as approved and in accordance with the time frames contained therein.
13. Within thirty (30) days of completion of the cleanup, Respondent, Chrysler Corporation, Indianapolis Foundry shall submit certification by an independent registered professional engineer that the cleanup has been completed as outlined in the approved plan.
14. Upon Respondent Chrysler Corporation, Indianapolis Foundry's failure to submit an approvable site assessment or cleanup plan within the stated time frames, the Department shall write the plan and Respondent, Chrysler Corporation, Indianapolis Foundry shall implement said plan in accordance with the time frames contained therein.
15. Respondents shall pay a civil penalty of \$860,300.00 for the violations cited herein. This penalty shall be remitted to the Indiana Department of Environmental Management payable to the Environmental Management Special Fund within thirty (30) days of the effective date of this Order.

EFFECTIVE DATE OF ORDER

Pursuant to IC 13-7-11-2 this Order takes effect twenty (20) days after receipt by you, unless you request the Solid Waste Management Board to conduct a hearing to review the Findings and Order. The request for review must be submitted in writing to me at the above address, within twenty (20) days of receipt of this Notice, and must contain the following information:

1. Name of the entity to whom this Order is directed;
2. Cause No. of this Order;
3. Portion of the Findings to be reviewed by the Solid Waste Management Board;
4. Portion of the Order to be reviewed by the Solid Waste Management Board; and
5. The legal basis for your challenge to the Findings and Order.

Dated at Indianapolis, Indiana this 28th day of June,
1987.

Nancy A. Maloley
Nancy A. Maloley
Commissioner

Attachments

cc: Mary Ann Habeeb,
Office of Attorney General
John Cromer
Douglas Trolson
Sally K. Swanson, USEPA
Marion County Health Department
Dave Koepper
Robert Malone
Sue Shadley
Thomas Russell



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:
5HE-12

MAR 5 1987

Terry F. Gray, Chief
Plan Review and Permit Section
Hazardous Waste Management Branch
Office of Solid and Hazardous
Waste Management
Indiana Department of
Environmental Management
105 S. Meridian Street
Indianapolis, Indiana 46225

RECEIVED

MAR 05 1987

Dear Mr. Gray:

SOLID WASTE DIVISION
U.S. EPA, REGION V

Enclosed is a copy of the transmittal letter which added Blue Lake, Inc.

to the list of land disposal facilities in Indiana.

If you have any questions on this matter, please contact William Buller
of my staff at (312) 886-4568.

Sincerely yours,

Joseph M. Boyle

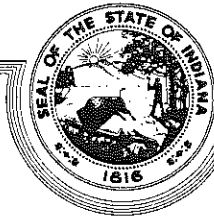
Joseph M. Boyle
Chief, IL/IN Unit
RCRA Enforcement Section

Enclosure

cc: K. Schmidt, IDEM
T. Russell, IDEM
J. Hunt, IDEM

STATE OF INDIANA

DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT



INDIANAPOLIS, 46225

105 South Meridian Street

Mr. Joseph M. Boyle, Chief
Illinois/Indiana Unit
RCRA Enforcement Section
U.S. Environmental Protection Agency
Region V
230 South Dearborn Street
Chicago, IL 60604

December 31, 1986



Re: Blue Lake, Inc.

Dear Mr. Boyle:

I have received your letter of December 3, 1986, transmitting your concurrence with the State's determination that Blue Lake, Inc., is a land disposal facility.

I am looking forward to talking to Mr. James Callier of your staff, and will attempt to assist him in any way that I can with respect to Blue Lake, Inc. However, before I officially put Blue Lake on the State's land disposal facility list, I must have a written, official determination, from your agency that this facility is indeed a land disposal facility. It is my understanding that a letter from Mr. Bill Muno, U.S. EPA-Enforcement Section, to U.S. EPA Headquarters in Washington, D.C. is the official determination of land disposal facility status. If this is true, I will wait for a copy of the letter prior to listing the facility on our land disposal list.

If you have any questions, please call Mr. Garry Mills at AC 317/232-3242.

Very truly yours,

Terry F. Gray, Chief
Plan Review and Permit Section
Hazardous Waste Management Branch
Solid and Hazardous Waste Management

TFG/drc

cc: Mr. Tom Russell
Ms. Karyl Schmidt
Mr. Jeff Stevens
Mr. Gary Mills
Mr. Hak Cho
Ms. Pat Vogtman



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:
5HE-12

DEC 2 1986

Terry F. Gray, Chief
Plan Review and Permit Section
Hazardous Waste Management Branch
Solid and Hazardous Waste Management
Indiana Department of
Environmental Management
105 South Meridian Street
Indianapolis, Indiana 46225

Re: Blue Lake, Inc.

IND 046107157

Dear Mr. Gray:

Thank you for your November 13, 1986, letter in which you identified Blue Lake, Inc. as a land disposal facility which disposed of hazardous waste with neither interim status nor a permit issued under the authority of the Resource Conservation and Recovery Act.

After consulting with Hak Cho in our office and Garry Mills and Robert Malone of your office, I concur with your conclusion. I will take the necessary steps to have Blue Lake, Inc. added to the list of land disposal facilities and to the relevant data management systems.

Mr. James Callier of my staff, at (312) 353-7992, will be contacting your State offices for more specifics on this site.

Thank you for bringing this to our attention.

Sincerely yours,

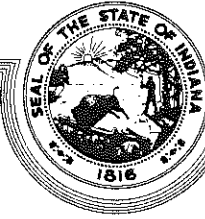
Joseph M. Boyle
Chief, IL/IN Unit
RCRA Enforcement Section

cc: T. Russell, IDEM
K. Schmidt, IDEM
R. Malone, IDEM
G. Mills, IDEM
J. Stevens, IDEM

2, *see*

STATE OF INDIANA

DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT



INDIANAPOLIS, 46225

105 South Meridian Street

November 13, 1986

Mr. Joe Boyle, Chief
Illinois and Indiana
RCRA Enforcement Unit
U.S. EPA Region V
230 South Dearborn Street
Chicago, IL 60604



Re: Land Disposal List
Blue Lake, Inc.
Non-Notifier
Indianapolis, IN

Dear Mr. Boyle:

This letter is being transmitted to you to determine whether the Blue Lake, Inc., landfill facility which is operating without interim status should be included on the list for land disposal facilities. The Blue Lake facility has never had interim status to accept hazardous waste. Currently there is a state enforcement action (Cause N-238) pending against the facility. The enforcement action includes a request for submittal of a closure/post closure plan from the Blue Lake facility.

On October 14, 1986, Mr. Garry Mills of my staff, spoke to Mr. Robert Malone, Enforcement Section of the IDEM. Mr. Malone stated that IDEM alleges (with supporting documentation) that the Chrysler Corporation/Indianapolis Foundry had disposed of their hazardous waste sludge D006 and D008 at the Blue Lake facility from 1967 to February 20, 1984. The Blue Lake facility did not submit a notification to operate as a hazardous waste landfill. The facility currently is operating while accepting non-hazardous waste only per conversation with Mr. Robert Malone.

Please submit documentation with your response as to why this should be added to the Land Disposal List. *on file*

If you have any questions in regard to this matter, please contact Mr. Garry Mills of my staff at AC 317/232-3242.

Very truly yours,

Terry F. Gray

Terry F. Gray, Chief
Plan Review and Permit Section
Hazardous Waste Management Branch
Solid and Hazardous Waste Management

GLM/slh
cc: Mr. Robert Malone

STATE BOARD OF HEALTH

INDIANAPOLIS

132
marion 3

OFFICE MEMORANDUM

TO: Ralph C. Pickard *22/8/85*
Technical Secretary

FROM: Thomas Russell, ^R Chief
Enforcement Section

SUBJECT: Request for Hearing
Blue Lake, Inc.
Chrysler Corporation, Indianapolis Foundry
Kenneth Smock Associates, Inc.
Jack D. and Beverly Hurt
Thomas M. Fansler, Jr.
Oil Equipment Supply Corporation
Indianapolis Board of Flood Control
All Located In Indianapolis, Indiana

DATE: July 31, 1985

THRU: Guinn Doyle *9/1*
David D. Lamm *8/5/85*

All of the above-referenced Respondents were found to be in violation of IC 13-7 and 320 IAC 4. A complete Summary and Statement of Findings of Violation are attached.

Therefore, pursuant to the authority delegated to you by the Environmental Management Board, it is requested that a hearing officer and alternate be appointed and a prehearing and hearing held to resolve this matter.

RDM/tr
Attachment
cc: Mr. Verl Myers

6610m

Summary
and
Findings
in Support of a
Request for Administrative Hearing
Blue Lake, Inc.
Chrysler Corporation, Indianapolis Foundry
Kenneth Smock Associates, Inc.
Jack D. and Beverly Hurt
Thomas M. Fansler, Jr.
Oil Equipment Supply Corporation
Indianapolis Board of Flood Control
Indianapolis, Marion County

"Blue Lake" is a solid waste fill site located on the north and south side of the 2900 and 3000 blocks of West Morris Street. The site has been operated as a solid fill site since 1927 and has been allowed to take foundry sands and demolition materials. The facility was not allowed to accept sludges, liquid wastes, wood, or trash. The site commonly known as "Blue Lake" is owned by Blue Lake, Inc., Jack D. and Beverly Hurt, Thomas M. Fansler, Jr., Oil Equipment Supply Corporation, and the Indianapolis Board of Flood Control.

During a February 12, 1985, RCRA inspection at Chrysler Foundry, 1100 South Tibbs, Indianapolis, Indiana, it was determined that a hazardous waste wastewater treatment sludge from Chrysler Foundry was being disposed of at Blue Lake, Inc. None of the current or past owners or operators of the properties comprising the "Blue Lake" site notified the U.S. EPA of hazardous waste activity at the site or submitted an application for RCRA interim status. Finally, the owners or operators of Blue Lake, Inc., have not complied with RCRA interim status requirements.

Chrysler Corporation, Indianapolis Foundry, produces a hazardous waste D006 and D008 sludge from their wastewater treatment plant. Prior to February 20, 1984, the hazardous waste sludge was deposited at "Blue Lake" in violation of RCRA, IC 13-7-4-1, and 320 IAC 4. Chrysler Corporation violated 320 IAC 4-4 (40 CFR 262.12(c)) which states that a generator must not offer hazardous waste to transporters or to treatment, storage, or disposal facilities that have not received an EPA identification number. Chrysler Corporation currently generates approximately 500 tons per day of the hazardous waste sludge (D006 and D008) and has been depositing it at "Blue Lake" since the construction of their wastewater treatment plant in 1967. A previous Complaint was issued against Chrysler Corporation on May 31, 1985, Cause No. N-237, to address additional violations at the facility.

Kenneth Smock Associates, Inc., hauls several solid waste streams for Chrysler Foundry. They had until February of 1984 hauled the D006 and D008 hazardous waste wastewater treatment sludge to "Blue Lake" without an EPA identification number or notification to the U.S. EPA. Smock also hauled the hazardous waste without manifests for the sludge.

Findings

1. Respondents, Blue Lake, Inc., Jack and Beverly Hurt, Thomas M. Fansler, Jr., Indianapolis Board of Flood Control, and Oil Equipment Supply Corporation own property upon which a solid fill site is and at all times material hereto was operated. The solid fill site is commonly referred to as "Blue Lake."
2. Based on an investigation of Chrysler Corporation, Indianapolis Foundry, on February 12, 1985, and of "Blue Lake" on February 15, 1985, it has been determined that hazardous waste (D006 and D008 wastewater treatment sludge) from Chrysler Corporation was being deposited prior to February 20, 1984, at "Blue Lake."
3. Pursuant to IC 13-7-4-1(a), no person shall discharge, emit, cause, allow, or threaten to discharge, emit, cause, or allow any contaminant or waste, including any noxious odor, either alone or in combination with contaminants from other sources, into the environment or into any publicly owned treatment works in any form which causes or would cause pollution which violates or would violate regulations, standards, or discharge or emission requirements adopted by the Board or appropriate agency pursuant to this article. Based on information gathered by the Division, Respondents have discharged, emitted, caused, allowed, or threatened to discharge, emit, cause, or allow hazardous waste (D006 characteristic leachable cadmium and D008 characteristic leachable lead) from Chrysler Corporation, Indianapolis Foundry, to be deposited and disposed of at the site commonly known as "Blue Lake," which causes or would cause pollution which violates Indiana Hazardous Waste Regulation (320 IAC 4).
4. Pursuant to IC 13-7-4-1(h)(1), 320 IAC 4-8-1(b), and 320 IAC 4-9-1(a), no person shall cause or allow the construction and/or operation of a hazardous waste treatment, storage, or disposal facility without first obtaining a construction permit prior to construction and an operating permit prior to the operation of a hazardous waste treatment, storage, or disposal facility. Based on information gathered by the Division, Respondents Blue Lake, Inc., Jack D. and Beverly Hurt, Thomas M. Fansler, Jr., Oil Equipment Supply Corporation, and the Indianapolis Board of Flood Control have caused or allowed the construction and operation of a hazardous disposal facility by causing or allowing the disposal of hazardous waste (D006 and D008 sludge) on their property, without first obtaining a hazardous waste construction and operating permit.

5. Pursuant to 320 IAC 4-6 (40 CFR 265), the owner or operator of a hazardous waste facility shall comply with all applicable standards for hazardous waste treatment, storage, or disposal facilities respectfully. Based on information gathered by the Division, the owners or operators have not complied with the appropriate standards for hazardous waste treatment, storage, or disposal facilities at the "Blue Lake" facility.
6. Pursuant to 320 IAC 4 (40 CFR 262.12(c)), a generator must not offer hazardous waste to transporters or to treatment, storage, or disposal facilities that have not received an EPA identification number. Based on information gathered by the Division, Chrysler Corporation, Indianapolis Foundry, is a generator of hazardous waste and offered, for transportation, their hazardous waste (D006 and D008) wastewater treatment sludge to Kenneth Smock Associates, Inc., that had not received an EPA identification number for the transportation of hazardous waste. Chrysler Corporation, Indianapolis Foundry, also offered their hazardous waste for disposal to the "Blue Lake" site that had not received an EPA identification number for the disposal of hazardous waste.
7. Pursuant to IC 13-7-4-1(k) and 320 IAC 4-5 (40 CFR 263.20), no person shall accept, cause, or allow the transportation of a hazardous waste without a manifest whenever a manifest is required by law. Based on information gathered by the Division, Kenneth Smock Associates, Inc., caused and allowed the transportation of hazardous waste without manifests, by transporting hazardous waste (D006 and D008) from Chrysler Corporation, Indianapolis Foundry, to an unpermitted site, "Blue Lake" without hazardous waste manifests.
8. Pursuant to IC 13-7-4-1(k) and 320 IAC 4-4 (40 CFR 262.20), no person shall accept, cause, or allow the transportation of a hazardous waste without a manifest whenever a manifest is required by law. Based on information gathered by the Division, Chrysler Corporation, Indianapolis Foundry, caused or allowed the transportation of hazardous waste from their facility, by Kenneth Smock Associates, Inc., to the "Blue Lake" site, without hazardous waste manifests.
9. Pursuant to 320 IAC 4-5 (40 CFR 263.11(a)), a transporter must not transport hazardous wastes without having received an EPA identification number from the Administrator. Based on information gathered by the Division, Kenneth Smock Associates, Inc., hauled hazardous waste (D006 and D008) wastewater treatment sludge from Chrysler Corporation, Indianapolis Foundry, to "Blue Lake" without an EPA identification number.

Recommendations

1. That a hearing officer and alternate be assigned and a prehearing conference and hearing be scheduled.
2. That the Complaint and Notice of Hearing include a Proposed Final Order which includes the following directives and/or prohibitions:
 - a. Respondents Blue Lake, Inc., Thomas M. Fansler, Jr., Jack D. and Beverly Hurt, Oil Equipment Supply Corporation, and the Indianapolis Board of Flood Control shall, within thirty (30) days of notice of the Board's Final Order, submit a RCRA Part A application for the Blue Lake site to:

U.S. EPA, Region V
RCRA Activities
P.O. Box 7861
Chicago, IL 60680

A copy of the RCRA Part A application shall be sent to:

Technical Secretary
Environmental Management Board
1330 West Michigan Street
P.O. Box 1964
Indianapolis, Indiana 46206

The RCRA Part A application shall specify the disposal of D006 and D008 wastewater treatment sludge in a landfill (Blue Lake).

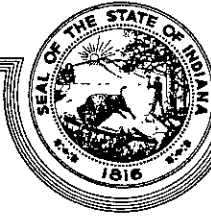
- b. Respondents Blue Lake, Inc., Thomas M. Fansler, Jr., Jack D. and Beverly Hurt, Oil Equipment Supply Corporation, and the Indianapolis Board of Flood Control shall, within sixty (60) days of notice of the Board's Final Order, submit an approvable closure plan for the Blue Lake site to the Division for approval. The closure plan shall be in conformance with the requirements of 320 IAC 4-7 (40 CFR 265.112 through 40 CFR 265.115) and 320 IAC 4-6 (40 CFR 265.310), including appropriate timetables for the completion of all closure activities.
 - c. Respondents Blue Lake, Inc., Thomas M. Fansler, Jr., Jack D. and Beverly Hurt, Oil Equipment Supply Corporation, and the Indianapolis Board of Flood Control shall, within thirty (30) days of approval of the closure plan by the Division, implement the closure plan as approved.

- d. Respondents Blue Lake, Inc., Thomas M. Fansler, Jr., Jack D. and Beverly Hurt, Oil Equipment Supply Corporation, and the Indianapolis Board of Flood Control shall, within sixty (60) days of notice of the Board's Final Order, submit an approvable post-closure plan for the Blue Lake site to the Division for approval. The post-closure plan shall be in conformance with the requirements of 320 IAC 4-7 (40 CFR 265.117 through 40 CFR 265.120) and 320 IAC 4-6 (40 CFR 265.310).
- e. Respondents Blue Lake, Inc., Thomas M. Fansler, Jr., Jack D. and Beverly Hurt, Oil Equipment Supply Corporation, and the Indianapolis Board of Flood Control shall, upon approval of the post-closure plan by the Division and upon completion and certification of the closure plan as approved, implement the post-closure plan.
- f. Respondent, Kenneth Smock Associates, Inc., shall immediately upon receipt of notice of the Board's Final Order, cease hauling hazardous waste.
- g. Respondent, Chrysler Corporation, Indianapolis Foundry, shall immediately upon receipt of notice of the Board's Final Order, manifest all shipments of hazardous waste off-site.
- h. Respondent, Chrysler Corporation, Indianapolis Foundry, shall immediately upon receipt of notice of the Board's Final Order, cease offering hazardous waste to transporters or to treatment, storage, or disposal facilities that have not received EPA identification numbers.

RDM/tr
cc: Mr. Ver1 Myers

STATE OF INDIANA

ENVIRONMENTAL MANAGEMENT BOARD



INDIANAPOLIS 46206-1964

1330 West Michigan Street
P.O. Box 1964

VIA CERTIFIED MAIL

STATE OF INDIANA)

COUNTY OF MARION)

SS:

BEFORE THE ENVIRONMENTAL MANAGEMENT
BOARD OF THE STATE OF INDIANA

IN THE MATTER OF THE ENVIRONMENTAL
MANAGEMENT BOARD OF THE STATE OF
INDIANA,

Complainant

vs.

BLUE LAKE, INC.
CHRYSLER CORPORATION,
INDIANAPOLIS FOUNDRY
KENNETH SMOCK ASSOCIATES, INC.
JACK D. AND BEVERLY HURT
THOMAS M. FANSLER, JR.
OIL EQUIPMENT SUPPLY CORPORATION
INDIANAPOLIS BOARD OF FLOOD CONTROL

Respondents

CAUSE NO. N-238

RECEIVED
DEC 10 1986
U.S. EPA REGION V
WASTE MANAGEMENT DIVISION
HAZARDOUS WASTE ENFORCEMENT BRANCH

COMPLAINT, NOTICE OF HEARING,
AND PROPOSED FINAL ORDER

TO: Mr. J. D. Hurt, President
Blue Lake, Inc.
3023 West Morris Street
Indianapolis, IN 46241

Mr. Thomas M. Fansler, Jr.
President
Kenneth Smock Associates, Inc.
2910 West Minnesota
Indianapolis, IN 46241

Mr. H. K. Sperlich, President
Chrysler Corporation
12000 Chrysler Drive
Highland Park, MI 48203

Mr. Jack D. Hurt, Resident Agent
Blue Lake, Inc.
3023 West Morris Street
Indianapolis, IN 46241

Mr. Thomas M. Fansler, Jr.
Resident Agent for
Kenneth Smock Associates, Inc.
2910 West Minnesota
Indianapolis, IN 46241

C. T. Corporation, Resident Agent
Chrysler Corporation
One North Capitol Avenue
Indianapolis, IN 46204

Jack D. and Beverly Hurt
c/o Blue Lake, Inc.
3023 West Morris Street
Indianapolis, IN 46241

Thomas M. Fansler, Jr.
c/o Kenneth Smock Associates, Inc.
2910 West Minnesota
Indianapolis, IN 46241

Robert L. Wright, President
Oil Equipment Supply Corporation
3901 West 80th Street
Indianapolis, IN 46268

Rodney V. Taylor, Resident Agent for
Oil Equipment Supply Corporation
One Indiana Square, Suite 3130
Indianapolis, IN 46204

Ms. Barbara Gole, Chairman
Indianapolis Board of Flood Control
2700 South Belmont Avenue
Indianapolis, IN 46221

This is a Complaint, Notice of Hearing, and Proposed Final Order under IC 13-7-11 of the Indiana Environmental Management Act and IC 4-22-1, the Indiana Administrative Adjudication Act. The Complainant is the Technical Secretary of the Indiana Environmental Management Board (Board). The Respondents are Blue Lake, Inc., Kenneth Smock Associates, Inc., Chrysler Corporation, and Oil Equipment Supply Corporation, all companies authorized to do business in Indiana, which operate places of business at Indianapolis, Indiana, and the Indianapolis Board of Flood Control, Thomas M. Fansler, Jr., and Jack and Beverly Hurt. Chrysler's EPA identification number is IND 087032611. The balance of the Respondents do not possess EPA identification numbers.

Pursuant to IC 13-7-11 and based on an investigation of Chrysler Corporation, Indianapolis Foundry, conducted on February 12, 1985, and "Blue Lake" site conducted on February 15, 1985, by Messrs. David Koepper, Robert Malone, and Tom O'Leary, of the Division of Land Pollution Control (Division), Indiana State Board of Health, it has been determined that the Respondents are in violation of the Indiana Hazardous Waste Management Program, IC 13-7, and 320 IAC 4.

Findings

This determination is based on the following Findings:

1. Respondents, Blue Lake, Inc., Jack and Beverly Hurt, Thomas M. Fansler, Jr., Indianapolis Board of Flood Control, and Oil Equipment Supply Corporation own property upon which a solid fill site is and at all times material hereto was operated. The solid fill site is commonly referred to as "Blue Lake."

2. Based on an investigation of Chrysler Corporation, Indianapolis Foundry, on February 12, 1985, and of "Blue Lake" on February 15, 1985, it has been determined that hazardous waste (D006 and D008 wastewater treatment sludge) from Chrysler Corporation was being deposited prior to February 20, 1984, at "Blue Lake."
3. Pursuant to IC 13-7-4-1(a), no person shall discharge, emit, cause, allow, or threaten to discharge, emit, cause, or allow any contaminant or waste, including any noxious odor, either alone or in combination with contaminants from other sources, into the environment or into any publicly owned treatment works in any form which causes or would cause pollution which violates or would violate regulations, standards, or discharge or emission requirements adopted by the Board or appropriate agency pursuant to this article. Based on information gathered by the Division, Respondents have discharged, emitted, caused, allowed, or threatened to discharge, emit, cause, or allow hazardous waste (D006 characteristic leachable cadmium and D008 characteristic leachable lead) from Chrysler Corporation, Indianapolis Foundry, to be deposited and disposed of at the site commonly known as "Blue Lake," which causes or would cause pollution which violates Indiana Hazardous Waste Regulation (320 IAC 4).
4. Pursuant to IC 13-7-4-1(h)(1), 320 IAC 4-8-1(b), and 320 IAC 4-9-1(a), no person shall cause or allow the construction and/or operation of a hazardous waste treatment, storage, or disposal facility without first obtaining a construction permit prior to construction and an operating permit prior to the operation of a hazardous waste treatment, storage, or disposal facility. Based on information gathered by the Division, Respondents Blue Lake, Inc., Jack D. and Beverly Hurt, Thomas M. Fansler, Jr., Oil Equipment Supply Corporation, and the Indianapolis Board of Flood Control have caused or allowed the construction and operation of a hazardous disposal facility by causing or allowing the disposal of hazardous waste (D006 and D008 sludge) on their property, without first obtaining a hazardous waste construction and operating permit.
5. Pursuant to 320 IAC 4-6 (40 CFR 265), the owner or operator of a hazardous waste facility shall comply with all applicable standards for hazardous waste treatment, storage, or disposal facilities respectfully. Based on information gathered by the Division, the owners or operators have not complied with the appropriate standards for hazardous waste treatment, storage, or disposal facilities at the "Blue Lake" facility.

6. Pursuant to 320 IAC 4 (40 CFR 262.12(c)), a generator must not offer hazardous waste to transporters or to treatment, storage, or disposal facilities that have not received an EPA identification number. Based on information gathered by the Division, Chrysler Corporation, Indianapolis Foundry, is a generator of hazardous waste and offered, for transportation, their hazardous waste (D006 and D008) wastewater treatment sludge to Kenneth Smock Associates, Inc., that had not received an EPA identification number for the transportation of hazardous waste. Chrysler Corporation, Indianapolis Foundry, also offered their hazardous waste for disposal to the "Blue Lake" site that had not received an EPA identification number for the disposal of hazardous waste.
7. Pursuant to IC 13-7-4-1(k) and 320 IAC 4-5 (40 CFR 263.20), no person shall accept, cause, or allow the transportation of a hazardous waste without a manifest whenever a manifest is required by law. Based on information gathered by the Division, Kenneth Smock Associates, Inc., caused and allowed the transportation of hazardous waste without manifests, by transporting hazardous waste (D006 and D008) from Chrysler Corporation, Indianapolis Foundry, to an unpermitted site, "Blue Lake" without hazardous waste manifests.
8. Pursuant to IC 13-7-4-1(k) and 320 IAC 4-4 (40 CFR 262.20), no person shall accept, cause, or allow the transportation of a hazardous waste without a manifest whenever a manifest is required by law. Based on information gathered by the Division, Chrysler Corporation, Indianapolis Foundry, caused or allowed the transportation of hazardous waste from their facility, by Kenneth Smock Associates, Inc., to the "Blue Lake" site, without hazardous waste manifests.
9. Pursuant to 320 IAC 4-5 (40 CFR 263.11(a)), a transporter must not transport hazardous wastes without having received an EPA identification number from the Administrator. Based on information gathered by the Division, Kenneth Smock Associates, Inc., hauled hazardous waste (D006 and D008) wastewater treatment sludge from Chrysler Corporation, Indianapolis Foundry, to "Blue Lake" without an EPA identification number.

Proposed Final Order

The Complainant hereby proposes the following as the Final Order to be adopted by the Board:

1. Respondents Blue Lake, Inc., Thomas M. Fansler, Jr., Jack D. and Beverly Hurt, Oil Equipment Supply Corporation, and the Indianapolis Board of Flood Control shall, within thirty (30) days of notice of the Board's Final Order, submit a RCRA Part A application for the "Blue Lake" site to:

U.S. EPA, Region V
RCRA Activities
P.O. Box 7861
Chicago, IL 60680

A copy of the RCRA Part A application shall be sent to:

Technical Secretary
Environmental Management Board
1330 West Michigan Street
P.O. Box 1964
Indianapolis, Indiana 46206

The RCRA Part A application shall specify the disposal of D006 and D008 wastewater treatment sludge in a landfill ("Blue Lake").

2. Respondents Blue Lake, Inc., Thomas M. Fansler, Jr., Jack D. and Beverly Hurt, Oil Equipment Supply Corporation, and the Indianapolis Board of Flood Control shall, within sixty (60) days of notice of the Board's Final Order, submit an approvable closure plan for the "Blue Lake" site to the Division for approval. The closure plan shall be in conformance with the requirements of 320 IAC 4-7 (40 CFR 265.112 through 40 CFR 265.115) and 320 IAC 4-6 (40 CFR 265.310), including appropriate timetables for the completion of all closure activities.
3. Respondents Blue Lake, Inc., Thomas M. Fansler, Jr., Jack D. and Beverly Hurt, Oil Equipment Supply Corporation, and the Indianapolis Board of Flood Control shall, within thirty (30) days of approval of the closure plan by the Division, implement the closure plan as approved.

4. Respondents Blue Lake, Inc., Thomas M. Fansler, Jr., Jack D. and Beverly Hurt, Oil Equipment Supply Corporation, and the Indianapolis Board of Flood Control shall, within sixty (60) days of notice of the Board's Final Order, submit an approvable post-closure plan for the "Blue Lake" site to the Division for approval. The post-closure plan shall be in conformance with the requirements of 320 IAC 4-7 (40 CFR 265.117 through 40 CFR 265.120) and 320 IAC 4-6 (40 CFR 265.310).
5. Respondents Blue Lake, Inc., Thomas M. Fansler, Jr., Jack D. and Beverly Hurt, Oil Equipment Supply Corporation, and the Indianapolis Board of Flood Control shall, upon approval of the post-closure plan by the Division and upon completion and certification of the closure plan as approved, implement the post-closure plan.
6. Respondent, Kenneth Smock Associates, Inc., shall immediately upon receipt of notice of the Board's Final Order, cease hauling hazardous waste.
7. Respondent, Chrysler Corporation, Indianapolis Foundry, shall immediately upon receipt of notice of the Board's Final Order, manifest all shipments of hazardous waste off-site.
8. Respondent, Chrysler Corporation, Indianapolis Foundry, shall immediately upon receipt of notice of the Board's Final Order, cease offering hazardous waste to transporters or to treatment, storage, or disposal facilities that have not received EPA identification numbers.

Proposed Civil Penalty

Pursuant to IC 13-7-13-1, Respondents shall pay to the Indiana Environmental Management Special Fund as a civil penalty for the above violations, a sum to be calculated at a later date. The Complainant recommends that the Respondents begin action immediately to comply with the above Proposed Order pending final administrative adjudication of this matter. While such action will not result in mitigation of the civil penalty, when calculated, compliance may prevent the imposition of additional penalties for continued noncompliance beyond the time limits set out therein.

The Board is authorized to assess civil penalties of up to \$25,000 per day for each violation pursuant to IC 13-7-13-1.

Filing of Answer

Within twenty (20) days of receipt of this Complaint, Respondents shall file with the Technical Secretary of the Board a written answer to the above Findings of Violation and/or objections to the imposition of the Proposed Final Order.

Your answer or objections should clearly and directly admit, deny, or explain each of the factual allegations set out in the Findings of Violation of which you have knowledge. Said answer should contain:

- (1) A definite statement of the facts which constitute the grounds of defense; and
- (2) A concise statement of facts which you intend to place at issue in the hearing.

Notice of Hearing

Respondent is requested, pursuant to IC 13-7-11-2 and IC 4-22-1-4, to attend a prehearing conference on September 16, 1985, at 9:30 a.m., E.S.T., in Room 19 of the Division of Land Pollution Control, 5500 West Bradbury Avenue, Indianapolis, Indiana, to confer with enforcement officials of the Board concerning:

- (a) Whether the alleged violations, in fact, occurred as set forth above; or
- (b) Any proposed Civil Penalty and Proposed Final Order.

The Board encourages all parties to pursue the possibilities of settlement through the prehearing conference prior to the hearing date. Arrangements for rescheduling of prehearing conference times or dates should be made by contacting Mr. Robert Malone at AC 317/243-5052.

Failing settlement at the prehearing conference, you are further notified that a formal administrative hearing shall be held on October 16, 1985, at 9:30 a.m., E.S.T., in Room 336, Indiana State Board of Health Building, 1330 West Michigan Street, Indianapolis, Indiana.


You are entitled to be represented by counsel, to attend this hearing with witnesses, and to present any testimony on your behalf in order to aid the Board in reaching a determination in this matter.

Arrangements for rescheduling of the hearing time or date should be made by contacting the Hearing Officer at AC 317/243-5049, or by mail to the following address:

Mr. James M. Garrettson, Hearing Officer
Indiana Environmental Management Board
1330 West Michigan Street
Indianapolis, Indiana 46206

Written appearance of counsel should be promptly filed with the Hearing Officer if counsel is contemplated. Timely filing of written appearance by counsel may be considered in the granting of continuances.

Dated at Indianapolis, Indiana, this 7th day of August, 1985.


Ralph C. Pickard
Technical Secretary

RDM/tr

cc: Mr. James M. Garrettson, Hearing Officer
Office of the Attorney General
Attn: Ms. Deborah E. Albright
Ms. Sally Swanson, U.S. EPA, Region V
Marion County Health Department
Mr. Verl Myers
Mr. David Koepper
Mr. Thomas L. Russell

FACILITY EVALUATION FOR
CORRECTIVE ACTION

BLUE LAKE, INC.
IND 046 107 157

Blue Lake, Inc., located in Indianapolis, Indiana, has operated as a solid waste disposal site since 1927. According to IDEM, the 65 acre site is no longer active. During its operation, it has accepted foundry sands and demolition materials. During a February 1985 RCRA inspection at nearby Chrysler Foundry, it was determined that a hazardous waste wastewater treatment sludge (D006 and D008) from the foundry was being disposed at the Blue Lake site. However, the owners of Blue Lake had not notified the U.S. EPA of its hazardous waste activity. In December 1986, the U.S. EPA wrote a letter to IDEM which concurred with the State that Blue Lake was a hazardous waste land disposal facility.

In August 1985, IDEM issued a complaint against Blue Lake and Chrysler Corporation for violations of RCRA disposal requirements. An amended complaint was issued in June 1987 that was supplemental to the original complaint. An Order was issued in March 1999 whereby Chrysler agreed to undertake remediation, closure, and post-closure activities at the Blue Lake site, including a groundwater monitoring and detection program.

According to IDEM, cleanup is ongoing via the agreed Order. Although Chrysler is not the owner of the site, they have accepted financial liability for remediation of the waste water treatment sludge that originated from their plant. The owner of the property is bankrupt and unable to address any remediation issues at the site. Presently, IDEM is reviewing the Site Characterization report submitted by Chrysler for identifying areas where the sludge has been disposed of.

RECOMMENDATION:

At this point, it is premature to require the owner or Chrysler to engage in additional corrective action activity at the site until the requirements of the State Order have been completed. At that time, a determination can be made as to whether any further corrective action is needed at the site.



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live.

Frank O'Bannon
Governor

Lori F. Kaplan
Commissioner

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Indianapolis, Indiana 46206-6015
(317) 232-8603
(800) 451-6027
www.in.gov/idem

VIA CERTIFIED MAIL 7000 0600 0027 2035 6620

May 30, 2002

Mr. Gregory Rose
DaimlerChrysler Corporation
800 Chrysler Drive CIMS 482-00-51
Auburn Hills, Michigan 48326-275

Dear Mr. Rose:

Re: Site Assessment Report
Blue Lake Site
Indianapolis, Indiana
IND 046107157

The Indiana Department of Environmental Management (IDEM) has received the Site Assessment Report for the Blue Lake Site dated December 13, 2001. The report has been reviewed for technical adequacy and determined to be inadequate pursuant to the terms of Agreed Order Cause No. N-238.

The enclosed comments must be addressed before the distribution and character of the waste material may be considered fully characterized for the purpose of closure as required by the above mentioned Agreed Order. In addition, many of the enclosed comments propose work that is preliminary to the development of an adequate groundwater monitoring system as defined under 40 CFR 265 Subpart F and required by Order 4.vi. of the above-mentioned Agreed Order.

A report addressing the enclosed comments, must be received by this office within forty-five (45) days of receipt of this notice. Each page of your submission must be uniquely numbered and must have the date of the submission.

Please submit four (4) copies of the revised plan to IDEM at the address above. A certification statement identical to the one stated in 40 CFR 270.11 must accompany all submissions.

If you have any questions regarding this matter, please contact Ms. Michelle Timmermann at 317/232-3264.

Sincerely,

Victor P. Windle, Chief
Hazardous Waste Permit Section
Permits Branch
Office of Land Quality

MLT
Enclosure

cc: Mr. Troy Weaver, IDEM (with enclosure)
Mr. Anthony Burke, IDEM (with enclosure)
Mr. Dan Patulski, US EPA Region 5 (with enclosure) ✓

Comments
Site Assessment Report
December 14, 2001
Blue Lake Site
Indianapolis, Indiana
IND 046107157

1. The facility detected vinyl chloride and polychlorinated biphenyls (PCBs) in the ground water above the RISC Technical Guide, Final (RISC), industrial default closure levels. It appears that the facility is solely using industrial default closure levels as the criteria for assessing extent of plumes.

For all compounds detected above upgradient concentrations in the ground water, the facility must evaluate extent with respect to RISC residential default closure levels. Industrial default closure levels can be used for determining if additional work is required.

2. The facility must continue to individually investigate the nature and extent of plumes for the Blue Lake North site and the Blue Lake South site, respectfully. Furthermore, the facility needs to continue the sampling and analyses of ground water samples for SW-846 8260B (volatile organic compounds (VOCs)), SW-846 8270C (semi-volatile organic compounds (SVOCs)), SW-846 8082 (polychlorinated biphenyls (PCBs)), and RCRA metals and report detected constituents. Since the facility has detected various PCBs, the facility must continue to evaluate and report all detected PCB congener chemicals.
3. Additional monitoring wells are necessary to further characterize lateral and vertical ground water quality and ground water flow at the Blue Lake North site. Therefore, within sixty (60) days of receipt of this letter, additional monitoring wells need to be installed at the Blue Lake North site to address the following data gaps:
 - a. There is a significant lateral distance between downgradient wells MW-9 and MW-10 that is not adequately monitored to delineate ground water flow and ground water quality. Due to the characteristics of many of the constituents of concern, the base of the well screen(s) must be set just above the aquitard material (silty, sandy clay), with a five (5) to ten (10) foot screen length determined in the field, depending on the materials encountered. Because of waste materials found in borings and topographic relief in this area, the location for additional ground water monitoring may need to be outside (east) of the focused study area.
 - b. The area between wells MW-8 and MW-11 requires additional ground water quality and ground water flow information due to the detection of various VOCs at MW-8 and MW-11, as well as the detection of PCBs in MW-8 and MW-9. The base of the well screen(s) must be set just above the aquitard material (silty, sandy clay), with a five (5) to ten (10) foot screen length determined in the field, depending on the materials encountered.
4. Additional monitoring wells are necessary to further characterize lateral and vertical ground water quality and ground water flow at the Blue Lake South site. Therefore, within sixty (60)

days of receipt of this letter, additional monitoring wells need to be installed at the Blue Lake South site to address the following data gaps:

- a. Ground water elevation data from wells along the eastern portion of the site (MW-6, MW-5, and MW-4) and surface water elevation data from the large lake on the eastern portion of the site (described in the Site Assessment Report (SAR) as the "large northeast lake connected to the small southeast lake"), indicate that ground water and surface water is exiting the site in the area of MW-4. However, the area south of MW-4 (southeastern corner of the site) does not appear to be adequately monitored to delineate ground water flow and ground water quality. In order to mimic other wells installed in the area, the screened interval needs to straddle the saturated/unsaturated interface. Additionally, the facility needs to extend the boring to a depth to evaluate the thickness of the upper aquifer in this area.
 - b. Based on the east/southeast ground water flow direction discussed above, the characteristics of many of the constituents of concern, and that the aquifer (native material) unit significantly increases in thickness along the eastern portion of the site, it appears that downgradient water quality within the lower portion of the upper aquifer is not being evaluated. The base of the well screens must be set just above the aquitard material (silty clay), with a five (5) to ten (10) foot screen length determined in the field, depending on the materials encountered. The number and location of deeper wells installed along the eastern border of the site must be adequate to delineate ground water quality within the lower portion of the upper aquifer.
 - c. The area east of MW-3 does not appear to be adequately monitored to delineate ground water flow and ground water quality. Data indicates a southern ground water flow direction near well MW-3. Additionally, there is a significant lateral distance between wells MW-3 and MW-4 that is not being monitored for ground water quality or ground water flow information and requires evaluation. The base of the well screen(s) must be set just above the aquitard material (silty, sandy clay), with a five (5) to ten (10) foot screen length determined in the field, depending on the materials encountered.
5. The boring log and the well construction diagram for SB00007/MW00007 (MW-7) contained in the SAR (Appendix C and Appendix E, respectively) show conflicting information. Specifically, the well construction diagram depicts the screened interval (three (3) to thirteen (13) feet in depth) within surficial clay and silt lithologies, while the boring log depicts a predominant sand lithology at these depths. Also, the well construction diagram indicates the total depth to be fifteen (15) feet, while the boring log indicates the total depth to be forty-eight (48) feet.

The differences between these two diagrams need to be investigated. An explanation of the discovered differences and applicable revisions to these diagrams will need to be submitted within sixty (60) days of receipt of this letter.

If it is determined that the well is screened through non-aquifer materials, a replacement well must be installed in this area within sixty (60) days of receipt of this letter. In order to accurately determine aquifer ground water flow and ground water quality information, monitoring wells must be installed in aquifer materials.